



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/765,822
Filing Date: January 27, 2004
Applicant: Paul E. Krajewski et al.
Group Art Unit: 1745
Examiner: John S. Maples
Title: EXTRUDED BIPOLAR PLATES
Attorney Docket: GP-303999

Mail Stop Amendment
Commissioner of Patents
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RESPONSE TO RESTRICTION REQUIREMENT

This is a Response to the Restriction Requirement mailed April 19, 2006 to which a response is due before May 19, 2006. The Examiner has requested restriction between Group I, Claims 1-18, drawn to a fuel cell/bipolar plate and Group II, Claims 22-24, drawn to a second fuel cell. Applicant hereby elects Group I, claims 1-18, with traverse. Reconsideration of this Restriction Requirement is respectfully requested.

The Examiner supports his position that the inventions of Groups I and II are distinct because the Group I fuel cell includes anode and cathode flow channels provided at outside edges of the first and second bipolar plates, which is not found in the fuel cell of Group II. Also, the fuel cell of Group II includes multiple channels for both oxidant/fuel/coolant, which is not found in the Group I fuel cell.

Both the inventions of Group I and Group II claim anode and cathode flow channels in the plural (claim 5 and claim 22). The invention of Group I claims that the anode and cathode flow channels are provided at outside edges of the bipolar plates (claim 6) and the invention of Group II claims that the cathode and anode flow channels are at opposite sides of the bipolar plates (claim 22). Therefore, Applicant submits that it is improper to restrict the invention of Groups I and II as suggested by the Examiner. Also, a proper search for both the inventions of Group I and II would not put a serious burden on the Examiner.

The Examiner is respectfully reminded why double patenting and restriction are discussed in the same chapter of the MPEP. Applicant directs the Examiner's attention to MPEP 806 which states where restriction is required by the Office, double patenting cannot be held, and thus, it is imperative that a restriction requirement should never be made where related inventions as claimed are not distinct.

It is respectfully requested that the restriction requirement be withdrawn, and all of the claims passed to issue.

Respectfully submitted,

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